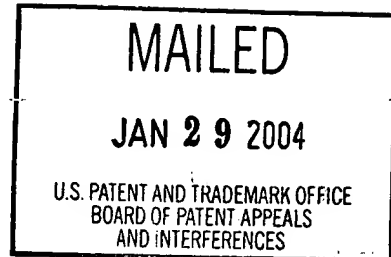


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte BIRENDRA N. AGARWALA, ERIC M. COKER,
ANTHONY CORREALE JR., HAZARA S. RATHORE,
TIMOTHY D. SULLIVAN and RICHARD A. WACHNIK

Application No. 09/871,883

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 8, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

1. An amendment after final was filed by appellants on February 26, 2003 (Paper No. 10). The Advisory Action mailed March 18, 2003 (Paper No. 12) indicated that such amendment would be entered upon appeal. A review of the record indicates the amendment was not entered.
2. Appellants filed an Information Disclosure Statement (IDS) on July 14, 2003 (Paper No. 16). It is not clear from the record whether the examiner considered the

Application No. 09/871,883

statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

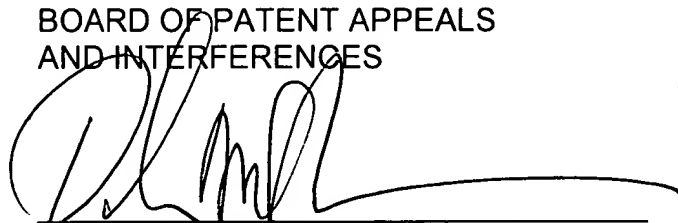
ORDERED that the application is returned to the Examiner for

- (a) entry of the amendment filed February 26, 2003 (Paper No. 10);
- (b) consideration of the IDS filed July 14, 2003 (Paper No. 16), and notification to appellants in writing of such consideration; and
- (c) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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DMS/vsh
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